

DRAFT
Rye City Planning Commission Minutes
September 9, 2003

PRESENT:

Barbara Cummings, Vice-Chair
Franklin Chu
Hugh Greechan
Patrick McGunagle
Martha Monserrate

ABSENT:

Michael Klemens, Chairman
Peter Larr

ALSO PRESENT:

Christian K. Miller, AICP, City Planner
George Mottarella, P.E., City Engineer

I. HEARINGS

Vice-Chairman Cummings noted Chairman Klemens' absence and that she would serve as chair for the evening.

1. 14 Lake Road (Continued Public Hearing)

Vice-Chair Cummings recused herself from the discussion of this matter and left the hearing room. Martha Monserrate served as chair for this agenda item.

Alan Pilch (applicant's environmental consultant) provided an overview of the application noting that the project involved the construction of an addition to an existing 2,700 square-foot residence. The existing carport on the property would be removed. Mr. Pilch noted the location of the property and its relationship to the two wetlands on the property including the adjacent pond and a small pocket wetland located in the corner of the site near Lake Road. Mr. Pilch noted that the plan had been revised to change the configuration of the proposed residence and that the revised plan required a front yard setback variance.

Mr. Pilch provided an overview of the proposed increase of approximately 1,100 square feet of impervious area on the site. To offset this increase more than 3,655 square feet in wetland plantings were proposed and the existing impervious area associated with the carport would be removed.

To address neighbor concerns raised at the previous public hearing, Mr. Pilch provided an overview of the supplemental drainage analysis that was provided to the Commission. He

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1 noted that given the topography and drainage basins in the area that the proposed project
2 would not have an adverse impact on stormwater flows on adjacent properties. He noted
3 that most surface and sub-surface flows are directed towards the pond, not towards the
4 neighboring property at 240 Brevort Lane. He added that in his opinion the removal of
5 asphalt on the property would not significantly contribute to increased groundwater
6 recharge and that such groundwater would likely flow towards the pond and not towards
7 neighboring properties. To address potential concerns, however, Mr. Pilch noted that the
8 plan includes sub-surface drywells to capture stormwater runoff.

9
10 There were no public comments.

11
12 On a motion made by Patrick McGunagle, seconded by Hugh Greechan and carried by the
13 following vote:

14
15 AYES: Franklin Chu, Hugh Greechan, Patrick McGunagle, Martha Monserrate

16 NAYS: None

17 RECUSED: Barbara Cummings

18 ABSENT: Michael Klemens, Peter Larr

19
20 the Planning Commission took the following action:

21
22 ACTION: The Planning Commission closed the public hearing on wetland permit
23 application number WP129.

24 25 **2. Cremonese**

26
27 Vice-Chair Cummings returned to the hearing room and continued as chair.

28
29 Robert Cremonese (applicant and property owner) noted that the application involved the
30 subdivision of a 12,500 square-foot property into building lots. One lot would be 6,000
31 square-feet; the other would be 6,500 square-feet. A two-family dwelling would be
32 provided on each lot consistent with the requirements of the RA-3 District. As
33 recommended by the Planning Commission, Mr. Cremonese noted that the plan was
34 revised to provide driveway access to Natoma Street for both lots. A wetland and
35 drainage study was provided in the application. Mr. Cremonese noted the location of the
36 property relative to the Blind Brook, which is located opposite the site on Wappanoca
37 Avenue. Mr. Cremonese concluded his presentation by noting that the all neighbors were
38 notified consistent with the requirements of the City's Subdivision Regulations.

39
40 Angel Morrison of 66 Mendota Avenue noted concern with the potential impact the
41 proposed subdivision might have on flooding and drainage. The City Planner responded
42 that only a portion of the property was located within the 100-year flood zone and that no

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1 development was proposed within that area. The City Engineer added that drywells had
2 been provided to his satisfaction to address stormwater drainage concerns.

3
4 Monica Sawicka (Natoma Street resident) noted that she has lived in the area for two
5 years and expressed concern regarding the extent of development that has occurred
6 during that period. She suggested that the size of new residences in the area were out-of-
7 scale with the neighborhood and contribute to crowding. The Commission questioned Mr.
8 Cremonese as to the size of the proposed residences. He indicated that the footprint of
9 each building would be either 1,400 or 1,800 square feet. He added that the buildings
10 comply with the requirements of the City Zoning Code and that only one tree is proposed to
11 be removed.

12
13 On a motion made by Martha Monserrate, seconded by Patrick McGunagle and carried by
14 the following vote:

15
16 AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Patrick McGunagle,
17 Martha Monserrate

18 NAYS: None

19 RECUSED: None

20 ABSENT: Michael Klemens, Peter Larr

21
22 the Planning Commission took the following action:

23
24 ACTION: The Planning Commission closed the public hearing on final subdivision
25 application number SUB 282 and wetland permit application number
26 WP135.

27 28 **3. 30 High Street**

29
30 Greg DeAngelis (applicant's architect) provided an overview of the application noting that it
31 involved the subdivision of an approximately 20,000 square-foot property into three
32 building lots. Two lots on the rear of the property would each have a two-family residence.
33 The third lot on the front of the property would be approximately 5,000 square feet and
34 would be used for a service business. Mr. DeAngelis noted that the application complied
35 with the requirements of the City's B-1 Neighborhood Business District and that the plan
36 includes a new 15-foot easement to provide for the relocation of the existing City sewer
37 and drainage lines that bisect the site.

38
39 Mr. DeAngelis noted that a separate driveway would serve each residential lot and that
40 each two-family property would have four parking spaces, exceeding the minimum
41 requirement of the City Zoning Code. The residential lots would abut an RT District located
42 along the rear property line. The commercial lot would be located along High Street and
43 would include a building located immediately along the front property line consistent with

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1 the setback of other buildings in the neighborhood and as permitted by zoning. The
2 building would be a two-story structure with a basement, garage parking for trucks and a
3 small office. Mr. DeAngelis provided an overview of the proposed architectural design and
4 elevations for each building.

5
6 The Commission questioned the proposed grading on the property. Mr. DeAngelis
7 indicated that the rear portion of the property would be raised by approximately three feet.

8
9 Mrs. Pelligrini (neighborhood property owner) questioned the type of business that was
10 proposed and noted concern with the intensity of development on the property and the
11 impact that would have on the neighborhood. She noted that parking in the area is limited
12 especially since the conversion of the office building on the corner of High Street and
13 Clinton Avenue. She indicated that her tenants are concerned with the parking impacts.
14 She added that there are already eight services businesses in the High Street
15 neighborhood. She also noted concern with the raising of the site and the potential
16 drainage impacts that may have on neighboring properties.

17
18 Mrs. Brenda Irilleo (area residents) stated that she lived in the area for many years and
19 understood that the applicant's property could not be built upon. She stated that the
20 intensity of development would adversely impact traffic patterns and contribute to creating
21 a more congested neighborhood character. She noted that parking in the summer is
22 especially difficult when the neighborhood park is in use. She suggested that the
23 neighborhood has undergone improvements in recent years and that this application would
24 not be consistent with this trend.

25
26 Scott Truder (35-37 High Street) stated that measures should be taken to protect children
27 from entering the site during construction. He stated that there are many children in the
28 area and at the neighborhood park that would be attracted to the construction site.

29
30 Mr. DeAngelis responded to the neighbor concerns by noting that the application complied
31 with the requirements of the City Zoning Code and exceeded the minimum parking
32 requirements. He stated that the property would be used by a general contractor who
33 would have up to four employees. Marc Castaldi (the property owner and applicant) added
34 that employees would not typically go to the property, but rather meet at the construction
35 projects. He noted that large trucks would not be kept at the property, but would be stored
36 at another larger property he owns outside the City. Mr. Castaldi stated that in addition to
37 himself there would be a secretary and an occasional accountant. He intended to use the
38 building to meet clients, store hand tools, expensive wood and other materials and store
39 collectable cars he owns. He concluded by stating that more than enough parking was
40 provided to meet the needs of his proposed business.

41
42 On a motion made by Patrick McGunagle, seconded by Martha Monserrate and carried by
43 the following vote:

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1
2 AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Patrick McGunagle,
3 Martha Monserrate
4 NAYS: None
5 RECUSED: None
6 ABSENT: Michael Klemens, Peter Larr

7
8 the Planning Commission took the following action:
9

10 ACTION: The Planning Commission agreed to keep the public hearing open on final
11 subdivision application number SUB 281 and site plan and use permitted
12 subject to additional standards and requirements application number
13 SP275.
14

15 4. 55 Drake Smith

16
17 Alan Pilch (applicant's environmental consultant) provided an overview of the application
18 noting that it involves the construction of a new residence on an undeveloped lot located at
19 the end of Drake Smith Lane. The existing property is approximately 1.38 acres. The
20 proposed residence would have an "L" shaped configuration with a footprint of
21 approximately 2,640 square feet. The property is located in R-1 District.
22

23 Mr. Pilch noted the location of wetlands on the property, which were delineated in August
24 2002. He stated that a large wetland is located on the eastern half of the property and that
25 there is a narrow watercourse located along the side (northern) property line. Mr. Pilch
26 stated that approximately 1,907 square feet of driveway and house would be located within
27 the 100-foot buffer of the watercourse. He noted that the residence was sited on the
28 property to minimize wetland buffer disturbances to the maximum extent practical and
29 comply with the setback requirements of the City Zoning Code.
30

31 As mitigation for the wetland buffer encroachment, Mr. Pilch stated that wetland plantings
32 would be provided along the slope adjacent to the watercourse. He noted that the fibrous
33 roots of the proposed plant material would stabilize the slope and minimize erosion into the
34 watercourse. Mr. Pilch also highlighted that drywells would be provided as a water quality
35 measure to treat the first flush of stormwater from impervious areas.
36

37 Mr. Pilch noted that a 42,000 square-foot conservation easement on the rear portion of the
38 property is proposed. The easement would protect this area from future development or
39 other disturbances. Mr. Pilch added that the applicant is contributing towards the
40 installation of a new sewer line that will allow all homes on Drake Smith Lane the
41 opportunity to stop using septic. Giving property owners the opportunity to discontinue
42 septic system use is considered an environmental benefit to the neighborhood.
43

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John Kirkpatrick (applicant's attorney) provided an overview of the proposed conservation easement, which prevents future development on nearly two-thirds of the property. He noted that the easement would be granted in favor of the City and that Westchester Land Trust (WLT) would serve as a third party with enforcement rights. He indicated that the easement was consistent with other easements accepted by WLT and that the applicant was also providing a donation to WLT.

A neighbor of 90 Kirby Lane noted that he was in support of the application.

On a motion made by Patrick McGunagle, seconded by Martha Monserrate and carried by the following vote:

AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Patrick McGunagle, Martha Monserrate

NAYS: None

RECUSED: None

ABSENT: Michael Klemens, Peter Larr

the Planning Commission took the following action:

ACTION: The Planning Commission closed the public hearing on wetland permit application number WP131.

5. A'Mangiare Restaurant

Rex Gedney (applicant's architect) noted that the application involved the expansion of a former restaurant building for a new restaurant. He noted that 231 square-foot addition on the 868 square-foot property complied with the requirements of the City's B-2 District. Mr. Gedney stated that the existing terrace on the side of building that encroaches onto the City right-of-way would be removed by the applicant. In addition, new sidewalks would be installed. Stormwater would be conveyed to the City's drainage system.

There were no public comments.

On a motion made by Patrick McGunagle, seconded by Hugh Greechan and carried by the following vote:

AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Patrick McGunagle, Martha Monserrate

NAYS: None

RECUSED: None

ABSENT: Michael Klemens, Peter Larr

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the Planning Commission took the following action:

ACTION: The Planning Commission closed the public hearing on site plan application number SP277.

ITEMS PENDING ACTION

1. 14 Lake Road

Vice-Chair Cummings recused herself from the discussion of this matter and left the hearing room. Martha Moserrate served as chair for this agenda item.

Alan Pilch discussed in more detail the changes in the plan and the design of the proposed sub-surface drainage measures. He also noted changes in the type of plant material proposed within the small pocket wetland on the property. He noted that the proposed plant material would be more appropriate for a wetland area than the existing English ivy.

On a motion made by Patrick McGunagle, seconded by Franklin Chu and carried by the following vote:

AYES: Franklin Chu, Hugh Greechan, Patrick McGunagle, Martha Monserrate

NAYS: None

RECUSED: Barbara Cummings

ABSENT: Michael Klemens, Peter Larr

the Planning Commission took the following action:

ACTION: The Planning Commission adopted a resolution conditionally approving wetland permit application number WP129.

2. Cremonese

The Commission discussed the comments raised in the public hearing. The City Planner and City Engineer reiterated that no improvements are proposed within a flood zone and that appropriate stormwater drainage measures will be provided.

The Commission discussed whether additional landscaping on the property should be provided. The City Planner noted that requiring landscaping in perpetuity can be cumbersome to enforce, but that additional landscaping could be provided and made a condition of any certificate of occupancy. Mr. Cremonese agreed to provide additional landscaping along Natoma Street.

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The Commission noted concern with the utility lines that extended across the property frontage along Natoma. These lines hang low to the ground and could interfere with vehicle access to the proposed building lots. The Commission agreed that prior to the certificate of occupancy that the utility lines be relocated to provide adequate vehicle clearance over driveways to the satisfaction of the City Building Inspector.

The Commission noted that the proposed extension of a utility line in Wappanoca Avenue will require Westchester County approval since the County owns that roadway.

On a motion made by Patrick McGunagle, seconded by Franklin Chu and carried by the following vote:

AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Patrick McGunagle, Martha Monserrate

NAYS: None

RECUSED: None

ABSENT: Michael Klemens, Peter Larr

the Planning Commission took the following action:

ACTION: The Planning Commission conditionally approved final subdivision application number SUB 282 and wetland permit application number WP135.

3. Playland Parkway Bridge Reconstruction

Scott Donnelly and Paul Summerfield (engineers from Westchester County Department of Public Works) provided an overview of the County-sponsored project noting that it involved the reconstruction of an existing bridge on Playland Parkway over Blind Brook. The project would maintain the existing number of lanes, but would slightly increase the bridge span width. This modification should improve flood flows for smaller storm events. In addition, a portion of the bank of the brook would be removed and wetland plantings installed, which will improve the flow of water under the bridge stones would be installed on the opposite bank the wetland plantings to address erosion concerns. The sediment removal and wetland plantings will improve the capacity of the channel and reduce maintenance, but longer-term sediment removal will still be required.

The Commission discussed the proposed pedestrian walkway. Mr. Summerfield indicated that the existing pedestrian walkway would be increased slightly in width and a curb would be added. The Commission suggested reinstalling the guide rail that exists to provide better protection of pedestrians. Mr. Summerfield suggested that guide rails do not provide significant safety benefits because they are not designed to completely deflect the impact of a vehicle. In addition, he noted that providing a guide rail would reduce the width

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1 of the sidewalk. The Commission discussed various design alternatives, however there
2 was no consensus on whether the guide rails should be provided on the plan.

3
4 Bill Ball (area resident) favored the project, since it would improve the flow of water in the
5 area and address the erosion of the Blind Brook bank.

6
7 The Commission discussed extending the erosion control measures as an added measure
8 to prevent sediment from entering the Brook during construction. Mr. Summerfield noted
9 that measures are never actually removed. The measures consist of natural materials that
10 grow-in and remain after the project is completed.

11
12 The Commission discussed the construction process. Mr. Summerfield indicated that
13 construction would take approximately eight months and would be split into two phases to
14 avoid creating traffic conflicts with the opening of Playland. At least two travel lanes would
15 remain open at all times. The start of construction would likely be deferred until next fall
16 immediately after Playland closes for the winter. The existing pathway would be closed for
17 approximately four months.

18 19 **4. 30 High Street**

20
21 The City Planner provided an overview in the most recent revisions in the site plan. He
22 noted that the size of the proposed building was increased and that its configuration was
23 changed, which reduced the size of the parking lot and negatively impacted vehicle
24 circulation. He suggested shifting the building further away from the front property line. He
25 also noted concern with the potential off-site drainage impacts from the proposed fill in the
26 rear of the site.

27
28 The City Engineer requested that more detailed information based on soil boring was
29 necessary to more precisely determine the location of the existing sewer and drainage
30 lines on the property. The exact location should be surveyed and shown on the plan. The
31 City Engineer added that he was not opposed to relocating the existing City easement, but
32 that the separation of the sewer and drainage lines from each other and adjacent buildings
33 must be reviewed carefully. He recommended that the first floor elevations of the proposed
34 residences be established by the Planning Commission to prevent basement elevations
35 from being below proposed sewer lines, which could result in problems in the event of a
36 line break or servicing the pipes.

37
38 The Commission noted concern with the scale of the proposed buildings and their impact
39 on the character of the neighborhood. Mr. DeAngelis stated that it was his opinion that
40 three smaller buildings are more appropriate than one larger building that could be
41 constructed on the site under current zoning. He also stated that two of the three lots would
42 be residential, which is consistent with character of the neighborhood and those properties
43 abutting the rear property line, which are located in an RT Residence District.

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The Commission requested that the site plan be revised and additional information be provided to address the comments of the City Planner and City Engineer.

5. 55 Drake Smith

The Planning Commission requested that the proposed conservation easement be reviewed and approved by Corporation Counsel. The Commission also discussed the potential tax reduction that could occur given the large conservation easement on the property. Mr. Kirkpatrick stated that such reductions typically require that the portion of the property within an easement also have development potential. He noted that that would not apply in this case since an additional building lot would not be permitted by existing zoning.

On a motion made by Patrick McGunagle, seconded by Martha Monserrate and carried by the following vote:

AYES: Franklin Chu, Hugh Greechan, Patrick McGunagle, Martha Monserrate

NAYS: None

RECUSED: Barbara Cummings

ABSENT: Michael Klemens, Peter Larr

the Planning Commission took the following action:

ACTION: The Planning Commission adopted a resolution conditionally approving wetland permit application number WP131.

6. A'Mangiare Restaurant

The Commission discussed the provisions for refuse disposal and measures that could be implemented to prevent trash from being placed outdoors and on City property. The applicant agreed to not place any trash outdoors for pick-up until 10:00 PM and that daily pick-up would be required. Trash would be stored inside the building at all other times.

The Commission discussed the landscaping treatment that should be provided along the side of the building in place of the terrace. The Commission agreed that the City Planner and City Naturalist should work with the applicant to select appropriate landscape material.

On a motion made by Franklin Chu, seconded by Hugh Greechan and carried by the following vote:

AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Patrick McGunagle, Martha Monserrate

NAYS: None

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1 RECUSED: None

2 ABSENT: Michael Klemens, Peter Larr

3
4 the Planning Commission took the following action:

5
6 ACTION: The Planning Commission conditionally approved site plan application
7 number SP277.

7. Rattner Residence

8
9
10
11 The Commission noted receipt of the CC/AC comments and agreed to release them to the
12 applicant.

13
14 The Commission discussed whether it should retain additional expertise to evaluate the
15 appropriateness of the application from an engineering perspective. The Commission
16 agreed that additional expertise was not necessary and that the engineering experience
17 among members of the Commission was sufficient.

18
19 The Commission noted that it desired to hear public comment regarding the application
20 and agreed that a public hearing should be set for its next meeting.

21
22 On a motion made by Franklin Chu, seconded by Martha Monserrate and carried by the
23 following vote:

24
25 AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Patrick McGunagle,
26 Martha Monserrate

27 NAYS: None

28 RECUSED: None

29 ABSENT: Michael Klemens, Peter Larr

30
31 the Planning Commission took the following action:

32
33 ACTION: The Planning Commission set a public hearing on wetland permit application
34 number WP133 for its September 23, 2003 meeting.

8. Fortin Residence

35
36
37
38 Paul Jaehnig (applicant's environmental consultant) provided an overview of the changes
39 to the plan since the original submission and in response to the comments raised during
40 the site inspection. He noted that a 40-foot wetland buffer was added to the plan that
41 prohibits the use of pesticide and fertilizers within that area. The plan was also amended
42 to indicate the placement of topsoil over exposed tree roots and the removal of dead trees
43 on the property.

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The Commission agreed to release the comments of the CC/AC to the applicant.

On a motion made by Franklin Chu, seconded by Martha Monserrate and carried by the following vote:

AYES: Barbara Cummings, Franklin Chu, Hugh Greechan, Patrick McGunagle, Martha Monserrate

NAYS: None

RECUSED: None

ABSENT: Michael Klemens, Peter Larr

the Planning Commission took the following action:

ACTION: The Planning Commission set a public hearing on wetland permit application number WP136 for its September 23, 2003 meeting.

9. 205 Grace Church Street

The Planning Commission noted concern with the extent of encroachment of the residence, driveway and other impervious areas into the wetland buffer. The Commission requested that the plan be revised to eliminate such encroachment into the buffer. The Commission noted that the applicant would be permitted to maintain the existing encroachment into the buffer if the existing residence were to be preserved. Since it is being removed, the Commission reasoned that it is the applicant's responsibility to locate the new residence outside the buffer or better justify its application.

Linda Whitehead (applicant's attorney) stated that the existing residence is non-conforming under zoning and therefore could not be rehabilitated or added to. She noted that house is very old and was even difficult to rent, let alone sell. Ms. Whitehead provided photographs of the interior of the house highlighting low ceilings, narrow hallways, dangerous steps and other conditions that do not meet current building code requirements. Ms. Whitehead suggested that some encroachment was necessary to provide for a reasonable house size and configuration.

The Commission requested that an alternative plan be prepared because of the encroachment in the buffer. The Commission also noted that it went to considerable lengths to protect the wetland on the neighboring property. Similar concerns and plan revisions would need to be addressed for the current application.

The Commission agreed to release the comments of the CC/AC. No public hearing would be set until a revised plan was submitted addressing the Commission's concerns.

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11. Discussion of Draft Hazard Mitigation Plan

The Commission briefly discussed the draft hazard mitigation plan. The Commission requested that the City Planner provide more information regarding the benefits of the plan to the City. The Commission agreed to discuss the plan at its next meeting.

10. Minutes

The Commission reviewed and approved minutes of its July 22, 2003 meeting.